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ELECTRONICALLY FILED  
DOC #: 5/19/08  
DATE FILED: 5/19/08

U.S. Department of Justice

Federal Bureau of Prisons

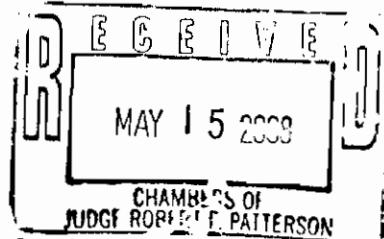
Legal Department

Metropolitan Correctional Center  
150 Park Row  
New York, New York 10007  
(646) 836-6300, (646) 836-7751 (Fax)

May 15, 2008

Via facsimile 212-805-7917

The Honorable Robert P. Patterson, Jr.  
United States District Judge for the  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007

**MEMO ENDORSE**

RE: MIRANDA, Ruben  
Reg. No. 60233-054

07cr 971 (RPP)

Dear Judge Patterson:

I write regarding Your Honor's May 12, 2008 order, directing MCC New York to provide Mr. Miranda with disposable contact lenses and asking MCC to transfer him to the housing unit where his brother, Marco Miranda, Fed. Reg. No. 60232-054, resides. For the reasons below, MCC respectfully requests that this order be vacated or modified.

Initially, prior to receipt of the endorsed order, Mr. Miranda had not raised either of these issues through the internal remedy process nor did his attorney, Joel M. Stein, Esq., attempt to contact anybody at MCC to resolve these issues.

Contact lenses are not allowed inside Bureau of Prisons facilities unless they are medically indicated. Mr. Miranda was evaluated by an optometrist yesterday at MCC New York. The optometrist noted that contact lenses were not medically indicated and he concluded that Mr. Miranda's current disposable lenses are useable for thirty (30) days since the date he started wearing them. MCC New York will expeditiously obtain prescription eyeglasses for Mr. Miranda. Additionally, the optometrist provided Mr. Miranda with his eyeglass prescription and explained to him that he can send that prescription to his family or friends who can, in turn, mail another set of eyeglasses to the MCC for Mr. Miranda. Mr. Miranda understood and left the appointment very satisfied. Additionally, Health Services staff will follow up with Mr. Miranda to assure he understands the procedure of having an additional pair of eyeglasses sent in by his family.

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Also, I spoke with Mr. Miranda's Unit Manager, Mr. Haas, who has received no requests from Mr. Miranda to be transferred to his brother's housing unit. If Mr. Miranda wishes to be transferred to a different housing unit, he should put his request in writing and the request will be taken into consideration.

Therefore, we request that the order be amended to state that Mr. Miranda should request, in writing, a transfer of housing units and that his family be allowed to send in glasses, following BOP procedures.<sup>1</sup>

Additionally, I encourage Mr. Miranda to address any future issues with MCC New York staff and/or his attorney call the legal department to resolve issues prior to court intervention. I can be reached at (646) 836-6455. Thank you for your consideration to this matter.

Sincerely,

Rina Desai  
 Supervisory Staff Attorney

cc: Joel Stein, Esq. (via fax 212- 571-0860)  
 AUSAs Jocelyn Strauber, John Zach (via fax 212-637-0086)

*Opposition granted  
 In view of  
 the contents of this  
 letter the order  
 of May 12, 2008  
 is hereby vacated.  
 So ordered  
 RPD/PB  
 5/16/08*

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<sup>1</sup>Mr. Miranda will mail his family the eyeglass prescription and they can send in eyeglasses, which must be valued at less than \$100.00, along with an Authorization to Receive Package Form, which Mr. Miranda can obtain from his Unit Team. As stated in the body of the letter, Health Services staff will explain the procedure to Mr. Miranda.